

AMENDED IN SENATE MAY 7, 2002

AMENDED IN SENATE APRIL 9, 2002

SENATE BILL

No. 1507

Introduced by Senator Romero

February 19, 2002

An act to amend Section 34505.9 of the Vehicle Code, relating to intermodal chassis.

LEGISLATIVE COUNSEL'S DIGEST

SB 1507, as amended, Romero. Intermodal chassis.

Existing law authorizes an ocean marine terminal that receives and dispatches intermodal chassis, as defined, to conduct an intermodal roadability inspection program, as described, in lieu of other provisions that require every operator of certain types of vehicles to cause the vehicle to be inspected at least every 90 days, or more often to ensure safe operation. Existing law also specifies that it is a misdemeanor to operate an intermodal chassis on the highway other than to a place of repair, until all defects discovered during the inspection have been corrected.

This bill would require ocean marine terminals that conduct the intermodal roadability inspection program to sign, under penalty of perjury, that the inspection was performed. The inspection program would require, among other things, *and subject to exception*, that a citation issued for the violation of any state or federal law related to the defective condition of an intermodal chassis subject to inspection that is not owned by that motor carrier or commercial driver, be issued to the entity responsible for the inspection and maintenance of the intermodal chassis. The bill would recommend that the Department of Motor

Vehicles suspend the operator's motor carrier or property permit if any inspection results in an unsatisfactory rating due to conditions presenting an imminent danger to the public or due to the operator's repeated failure to inspect and repair intermodal chassis, as specified.

Because this bill would create a new crime by requiring a signature under penalty of perjury, it would impose a state-mandated local program.

This bill would also provide that any driver who believes that an intermodal chassis is in an unsafe operating condition may request that the chassis be reinspected by the entity responsible for the inspection and maintenance of the chassis. The bill would also require that the request for reinspection, any corrective action taken, or the reason why corrective action was not taken be recorded in the intermodal chassis maintenance file. The bill would also provide that no commercial driver could be threatened, coerced, or otherwise retaliated against by any ocean marine terminal operator for contacting a law enforcement agency with regard to the physical condition of an intermodal chassis or for requesting that the intermodal chassis be reinspected or repaired.

Violation of these provisions would be an infraction pursuant to existing provisions of law.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 34505.9 of the Vehicle Code is amended
- 2 to read:
- 3 34505.9. (a) An ocean marine terminal that receives and
- 4 dispatches intermodal chassis may conduct the intermodal
- 5 roadability inspection program, as described in this section, in lieu
- 6 of the inspection required by Section 34505.5, if the terminal
- 7 meets all of the following conditions:



1 (1) More than 1,000 chassis are based at the ocean marine
2 terminal.

3 (2) The ocean marine terminal, following the two most recent
4 consecutive inspections required by Section 34501.12, has
5 received satisfactory compliance ratings, and the terminal has
6 received no unsatisfactory compliance ratings as a result of any
7 inspection conducted in the interim between the consecutive
8 inspections conducted under Section 34501.12.

9 (3) Each intermodal chassis exiting the ocean marine terminal
10 shall have a current decal and supporting documentation in
11 accordance with Section 396.17 of Title 49 of the Code of Federal
12 Regulations.

13 (4) The ocean marine terminal's intermodal roadability
14 inspection program shall consist of all of the following:

15 (A) Each time an intermodal chassis is released from the ocean
16 marine terminal, the chassis shall be inspected. The inspection
17 shall include, but not be limited to, brake adjustment, brake system
18 components and leaks, suspension systems, tires and wheels,
19 vehicle connecting devices, and lights and electrical system, and
20 shall include a visual inspection of the chassis to determine that it
21 has not been tampered with.

22 (B) Each inspection shall be recorded on a daily roadability
23 inspection report, which shall include, but not be limited to, all of
24 the following:

25 (i) Positive identification of the intermodal chassis, including
26 company identification number.

27 (ii) Date and nature of each inspection.

28 (iii) Signature, under penalty of perjury, of the ocean marine
29 terminal operator or an authorized representative that the
30 inspection has been performed.

31 (iv) The inspector shall affix a green tag to a chassis that has
32 passed inspection and a red tag to a chassis that has failed
33 inspection. The tag shall contain the name of the inspector and the
34 date and time that the inspection was completed and shall be placed
35 in a conspicuous location so that it may be viewed from the rear
36 of the vehicle. The provisions of this subparagraph shall also be
37 applicable to an intermodal chassis inspected by a marine terminal
38 operator pursuant to Section 34505.5.

39 (C) Records of each inspection conducted pursuant to
40 subparagraph (A) shall be retained for 90 days at the ocean marine

1 terminal at which each chassis is based and shall be made available
2 upon request by any authorized employee of the department.

3 (D) Defects noted on any intermodal chassis shall be repaired,
4 and the repairs shall be recorded on the intermodal chassis
5 maintenance file, before the intermodal chassis is released from
6 the control of the ocean marine terminal. No vehicle subject to this
7 section shall be released to a motor carrier or operated on the
8 highway other than to a place of repair until all defects listed
9 during the inspection conducted pursuant to subparagraph (A)
10 have been corrected and attested to by the signature of the
11 operator's authorized representative.

12 (E) Records of maintenance or repairs performed pursuant to
13 the inspection in subparagraph (A) shall be maintained at the ocean
14 marine terminal for two years and shall be made available upon
15 request of the department. Repair records may be retained in a
16 computer system if printouts of those records are provided to the
17 department upon request.

18 (F) Individuals performing ocean marine terminal roadability
19 inspections pursuant to this section shall be qualified, at a
20 minimum, as set forth in Section 396.19 of Title 49 of the Code of
21 Federal Regulations. Evidence of each inspector's qualification
22 shall be retained by the ocean marine terminal operator for the
23 period during which the inspector is performing intermodal
24 roadability inspections.

25 (b) The records maintained pursuant to paragraphs (C) and (E)
26 of subdivision (a) and Section 34505.5 shall be made available
27 during normal business hours to any motor carrier or driver or the
28 authorized representative thereof who has been engaged to
29 transport an intermodal container on a chassis inspected pursuant
30 to this section or Section 34505.5 from the ocean marine terminal.

31 (c) Any citation issued for the violation of any state or federal
32 law related to the defective condition of an intermodal chassis
33 subject to inspection pursuant to this section or Section 34505.5,
34 that is not owned by that motor carrier or commercial driver, shall
35 be issued to the entity responsible for the inspection and
36 maintenance of the intermodal chassis, *unless the officer*
37 *determines that the defective condition of the intermodal chassis*
38 *was caused by the failure of the driver to operate a commercial*
39 *motor vehicle in a safe manner.*



1 (d) Any provision contained in a contract between the
2 registered owner or lessee of an intermodal chassis subject to
3 inspection pursuant to this section, or any other entity responsible
4 for the inspection and maintenance of the intermodal chassis, and
5 any motor carrier or any contract between a motor carrier and
6 another motor carrier engaged to transport an intermodal container
7 on a chassis subject to inspection pursuant to this section that
8 contains a hold harmless or indemnity clause concerning defects
9 in the physical condition of that chassis shall be void as against
10 public policy. *This subdivision shall not apply to damages to the*
11 *intermodal chassis caused by the negligent or willful failure of the*
12 *motor carrier to operate a commercial motor vehicle in a safe*
13 *manner.*

14 (e) Following a terminal inspection in which the department
15 determines that an operator of an ocean marine terminal has failed
16 to comply with the requirements of this section, the department
17 shall conduct a reinspection within 120 days as specified in
18 subdivision (h) of Section 34501.12. If the terminal fails the
19 reinspection, the department shall direct the operator to comply
20 with the requirements of Section 34505.5 until eligibility to utilize
21 the inspection program described in this section is reestablished
22 pursuant to subdivision (a). If any inspection results in an
23 unsatisfactory rating due to conditions presenting an imminent
24 danger to the public safety or due to the operator's repeated failure
25 to inspect and repair intermodal chassis pursuant to this section,
26 the department shall immediately forward a recommendation to
27 the Department of Motor Vehicles to suspend the operator's motor
28 carrier or property permit, and forward a recommendation to the
29 Federal Motor Carrier Safety Administration for administrative or
30 other action deemed necessary against the carrier's interstate
31 operating authority, pursuant to Section 34505.6 or 34505.7.

32 (f) Any driver who believes that an intermodal chassis is in an
33 unsafe operating condition may request that the chassis be
34 reinspected by the entity responsible for the inspection and
35 maintenance of the chassis pursuant to this section or Section
36 34505.5. The request for reinspection, any corrective action taken,
37 or the reason why corrective action was not taken shall be recorded
38 in the intermodal chassis maintenance file.

39 (g) No commercial driver shall be threatened, coerced, or
40 otherwise retaliated against by any ocean marine terminal operator



1 for contacting a law enforcement agency with regard to the
2 physical condition of an intermodal chassis or for requesting that
3 the intermodal chassis be reinspected or repaired.

4 (h) For the purposes of this section, the following definitions
5 shall apply:

6 (1) “Intermodal chassis” means a trailer designed to carry
7 intermodal freight containers.

8 (2) “Ocean marine terminal” means a terminal, as defined in
9 Section 34515, located at a port facility that engages in the loading
10 and unloading of the cargo of oceangoing vessels.

11 (i) *Nothing in this section shall relieve a commercial driver or*
12 *commercial motor carrier of any duty imposed by state or federal*
13 *law related to the safe operation of a commercial motor vehicle.*

14 (j) *Nothing in this section shall affect the rights, duties, and*
15 *obligations set forth in Section 2802 of the Labor Code.*

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

